

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>OTIS THOMAS,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p style="padding-left: 100px;">v.</p> <p>IMAM ABDUL MALIK SAAFIR, et</p> <p style="padding-left: 100px;">al.,</p> <p style="padding-left: 100px;">Defendants.</p> <hr style="width: 30%; margin-left: 0;"/>	<p>) No. C 06-0184 MMC (PR)</p> <p>)</p> <p>) ORDER GRANTING PLAINTIFF'S</p> <p>) REQUEST FOR ENLARGEMENT OF</p> <p>) TIME; STAYING MOTION FOR</p> <p>) SUMMARY JUDGMENT AND</p> <p>) VACATING DEADLINE FOR</p> <p>) OPPOSITION; SETTING BRIEFING</p> <p>) SCHEDULE ON MOTION TO</p> <p>) COMPEL; INSTRUCTIONS TO</p> <p>) CLERK</p>
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(Docket Nos. 25 & 26)

On January 11, 2006, plaintiff, a California prisoner currently incarcerated at Salinas Valley State Prison ("SVSP") and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983 against Imam Abdul Malik Saafir ("Saafir"), Sergeant M. J. Kircher ("Kircher"), and Captain G. Ponder ("Ponder"), all SVSP officials, alleging they denied him access to "Jumah" religious services mandated by his Muslim faith. On November 27, 2006, defendants filed a motion for summary judgment. On December 8, 2006,¹ plaintiff filed a request for an enlargement of time within which to file his opposition. Specifically, plaintiff seeks an extension until a date after the Court has ruled on his motion to compel discovery, which motion was filed November 9, 2006.² Good cause appearing, the Court will stay the motion for summary judgment until the motion to compel is resolved.

¹On December 19, 2006, plaintiff filed what appears to be a copy of said motion.

²The motion to compel includes a request for monetary sanctions.

Defendants have not responded to plaintiff's motion to compel because they were not served with a copy. In a declaration attached to that motion, plaintiff explains that he did not serve a copy upon defendants because SVSP officials would not allow him to make copies. He requests that the Court mail a copy of the motion to defendants or, alternatively, that the Court return the motion to him and direct SVSP officials to allow him to copy it for purposes of service. After reviewing the motion, the Court has determined that a response from defendant is necessary in order to resolve the motion. In light of this determination, as well as plaintiff's allegation that he has been prevented from providing defendant with a copy, and the Court's interest in avoiding delay, the Court, in this particular instance, will direct the Clerk to send a copy of the motion in question to defendants' counsel. Plaintiff may not rely on the Clerk to serve copies of his motions and other filings in the future, but instead must perform the service himself.³

For the reasons stated above, the Court hereby orders as follows:

1. The Clerk shall mail to defendants' counsel, the California Attorney General, a copy of plaintiff's November 9, 2006 Declaration, the motion to compel attached thereto and all other attachments thereto.

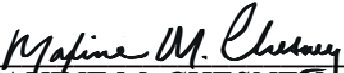
2. On or before **February 1, 2007**, defendants shall file an opposition to plaintiff's motion; plaintiff may file a **reply** to defendants' opposition within **14 days** of the date the opposition is filed.

3. Defendants' motion for summary judgment is stayed until further order of the Court, and the current deadline for the filing of plaintiff's opposition thereto is VACATED.

This order terminates Docket Nos. 25 and 26.

IT IS SO ORDERED.

DATED: January 11, 2007


MAXINE M. CHESNEY
United States District Judge

³The Court notes that plaintiff appears to be able to make photocopies at this point, as evidenced by his filing of copies of the same motion on December 8 and 19, 2006.